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## **“We Don’t Have the Right Words!”: Idiomatic Violence, Embodied Inequalities, and Uneven Translations in Indian Law Enforcement**

*This article interrogates the relationship among legal gatekeepers, embodied expressions of structural violence, and institutional patterns of translation in the mobilization of antidiscrimination legislation by examining a case registered under the 1989 Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act in the Indian state of Rajasthan. The article proposes that law enforcement officials often utilize legal registers and legal aesthetics as defensive shields against the demands of historically marginalized groups, which interfere with their institutionalized moralities and wider loyalties to higher caste groups. Thereby they reinscribe the very structural inequalities antidiscrimination laws are intended to address. This process is often the result of a dual breakdown of translation. On the one hand, police officers often refuse to engage with the local linguistic idioms of marginalized communities in a way that makes their experiences legible to the law. On the other hand, survivors of discriminatory violence are themselves hesitant to make their suffering explicit due to trauma and fear of being publicly humiliated. Ultimately, this process can instill further feelings of inadequacy in victims of discrimination at the very moment they try to claim their rights. This case ultimately questions the ability of antidiscrimination legislation to effectively counteract the effects of structural inequality. [India, anti-discrimination law, translation, caste, embodiment]*

In the summer of 2017, I came to see Choti Lal Meghwal, a member of the Dalit community in the remote village of Libasha, located forty kilometers southwest of the city of Udaipur in the Indian state of Rajasthan. During a long conversation over tea and samosas Choti Lal told me about a burning hot evening in July 2012, when he had returned to his newly constructed house utterly disheartened. “I have just come from the police station,” he had informed his wife, who was looking at him expectantly, “they said they will close the investigation for our case. They filed a Final Report, declaring it a false complaint! Apparently, for something to be declared an atrocity under the Prevention of Atrocities Act you need to have the right words. But people like me don’t have them! Still,” he had dejectedly concluded, “I should be grateful there was an investigation. People like us usually don’t get a case.”<sup>1</sup>

The 1989 Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act (henceforth PoA), under which Choti Lal attempted to file a legal case, is arguably one of the most ambitious examples of antidiscrimination legislation in India and worldwide. It has been specifically designed for people like Choti Lal: members of the historically marginalized Dalit (ex-untouchable) and Adivasi (tribal) communities who need protection from violence perpetrated by those at the top of the caste hierarchy. While India’s constitution

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banned the practice of untouchability in 1950, the PoA represents the first law to explicitly define all “political, ritual or symbolic violence [against Dalits and tribes] as criminal acts” (Rao 2009, 174). The PoA outlines strict punishments for caste-based atrocities, which can include imprisonment for life. However, thirty years after its implementation, scholars have questioned the ability of the act to generate fundamental social change (Baxi 2014), as most cases registered under the PoA never make it to court and a negligible number lead to conviction (Carswell and de Neve 2015, 1116). In Rajasthan, the current conviction rate under the act “barely touch(es) a two-digit figure” (*Times of India* 2017). In 2016 the Rajasthani police forwarded less than half of PoA complaints to the courts, declaring the remainder false accusations (*Indian Express* 2018).

Choti Lal’s story, his resignation, and his reflections on a legal case that hardly was, and never truly could have been, raise curiosity about the way unarticulated demands of speech and bodily performance stand guard at the gates of antidiscrimination legislation long before claimants ever set foot in a courthouse. Taking Choti Lal’s perception that familiarity with a “right” set of words determines who gets a case as a starting point, this article examines what acts of sociocultural translation must be accomplished on an institutional level for victims of violence to become visible to gatekeepers of law as legitimate plaintiffs. Considering the relationship between legal aesthetics, verbal registers, and the embodied nature of structural marginality, I explore how local flows of power and institutionalized moralities within law enforcement shaped the translational engagements and refusals that molded Choti Lal’s “noncase.”

Legal scholars have discussed how law and language converge to create social categories and political realities that are simultaneously empowering and restrictive (Agamben 1995, 2010; Cody 2013; Mamdani 2003; Povinelli 2002). Through these categorizing processes, law itself emerges as a cultural system of meaning that includes and excludes actions and people according to its own cultural logic (Geertz 1983) and generates new meanings through its intersubjective methods of narration (Bakhtin 1981). Meanwhile, another strand of scholarship has examined practices of cultural translation in state and international law and in human rights investigations (Cunningham 1992; Gal 2015; Gal, Kowalski and Moore 2015; Merry 2006; Sharma and Kelly 2018), stressing the demand for linear narrative formats (Tate 2007). Gal, Kowalski, and Moore point out that structuring the stories of claimants according to standards acceptable to the law “refram[es], re-contextualiz[es], and re-purpos[es] the agendas, ideologies, and positions of the people that translators and translations bring together” (2015, 612). Together, the two bodies of literature have highlighted how legal registers, or “legalese” (Danet 1980; Gal 2015), can stand guard at the gates of legal recognition (Povinelli 2002), contrasting with locally and culturally embedded modes of verbal expression. Applying such insights to studies of the courtroom, anthropologists have highlighted how interrogation patterns and narrative demands in courts can reinforce asymmetrical power structures (Berti, Tarabout, and Voix 2016; Conley and O’Barr 1998; Jeffery 2006; Mody 2008).

However, most authors neglect to consider how complainants’ inability to embody legally recognized forms of speech and physical expression can prevent them from securing a legal case in the first place. Specifically, few have analyzed how the fraught encounter between embodied disadvantage and the requirements of legally legible performance plays out in the context of antidiscrimination legislation. Antidiscrimination laws like the PoA have been introduced across the world with the explicit intention of undoing “the effect of centuries of race-based [or in this case caste-based] oppression and marginalization” (Kok 2008, 445). In short, they aim to counteract historically entrenched forms of structural violence—violence built into the very foundation of a society that engenders and

reinforces unequal relations of power (Gupta 2012, 20; see also Galtung 1969) and structures how people and institutions view and engage with communities historically categorized as inferior (Perry 2005). Crucially, structural violence also limits the ability of these communities to interact with state bureaucracies, which are themselves shaped by dominant political interests and perpetuate structural injury (Graeber 2012). If one takes seriously the idea that legal institutions and procedures are the products of and the sustaining force behind powerful socioeconomic and political interests (Benjamin 1986; Derrida 1992), it becomes paramount to examine how the ability of marginalized groups to interact with these bodies factors into the implementation of antidiscrimination legislation.

Stepping into this gap, I argue that Choti Lal's case highlights how invisible channels of institutional power and prejudice, which mirror and reproduce patterns of structural exclusion, can turn antidiscrimination legislation against itself. The biased attitudes and prejudicial practices of interpretation and translation that form the hallmark of structural violence often reinscribe the same casteist or racist attitudes the law is meant to address through the performances of law enforcement officials. Choti Lal's narrative exemplifies these dynamics by showing how the embodiment of structural inequality (Fanon 1967; Wade 2004), or a habitus (Bourdieu 1977; Jackson 1996) of long-standing marginalization, and the corresponding verbal registers negatively impact moments of seeking aid through the police. These performances not only fly in the face of the desired legal aesthetics (Cabot 2013) but also invoke primary social categories of perceived secondary citizenship.

As the original recipients of constitutional affirmative action programs in India (Deliege 1999; Galanter 1985) and targets of subsequent government safeguards, Dalits were seen by many police officials and judges in Rajasthan as a sociolegally (over-) determined and overprotected community, though they continued to suffer from long-standing social stigma of backwardness and pollution. Hence, Choti Lal entered the police station as a man marked by an excess of prior legal categorization, which had turned his body into a projection screen for upper-caste resentment (Rao 2009) and made him a subject "abstracted from an immediate context" (Cody 2013, 12).

Consequently, I contend that the "right words" become a veneer for the arbitrary exercise of police authority based on what Didier Fassin (2013) has referred to as the moral dimension of police work. The performative standards of law can conspire to exclude people like Choti Lal from the very law designed for their protection. They allow law enforcement officials, as gatekeepers of the legal arena, to refuse the acts of cultural translation necessary to turn locally enacted narratives—articulated through particular metaphors and idioms—into a legal "case." This can engender a cycle of self-blame in "subaltern" complainants like Choti Lal. Appeals to proper speech presented through acceptable bodies obscure how dynamics of police registration hinge on intimate processes of legal recognition by (sometimes corrupt) officers, who grant access to the law based on political loyalties to, and moral codes of, higher castes while hiding behind claims of evidential inadequacy and performances of noncomprehension. These performances are often especially effective vis-à-vis complaints filed under antidiscrimination laws because survivors of discriminatory violence like Choti Lal can be hesitant to fully expose the depth of their humiliation due to trauma or concerns over losing face in their home communities. Hence, Choti Lal's case, ultimately, reveals a dual breakdown of translation. On the one hand, the police refuse to translate his story into the appropriate sections under the PoA by ignoring its cultural-linguistic nuances. On the other hand, Choti Lal himself is hesitant to render his narrative too legible due to fears of further humiliation. His case clearly demonstrates that interactions with police and the legal system can be a significant source of the very violence that laws aimed at eliminating discrimination or at combating hate crimes try to address (Swiffen 2018, 137).

This article is based on eighteen months of multi-sited fieldwork in Rajasthan, India, to trace the engagement of Meghwal Dalit<sup>2</sup> communities with the PoA. Shining the spotlight on law enforcement, I put Choti Lal's account at the center, considering his own interpretation of events, along with broader considerations of police morality and practices of cultural translation. Here, I draw inspiration from the anthropological approach that takes stories to be reflective tools that "shape the reality of their participants" (Rosaldo 1989, 129) and from Akhil Gupta's ethnographic analyses of corruption. Gupta proposes that the patterned narratives people tell themselves about corruption practices "enable participants in [a] particular social drama" (2005, 6) to make sense of these encounters. Therefore, I argue that Choti Lal's emphasis on the "right words" indicates how he has internalized institutional biases as his own failure but also denotes an awakening sense of agency. He had heard rumors of successful PoA cases, thus his preoccupation with translational breakdown exposes his faith that ingrained structural inequalities may be counteracted by educating oneself and changing one's linguistic performance. One can unearth complex entanglements between embodied marginality and institutional performances of interpretation in the mobilization of antidiscrimination legislation by taking seriously the stories marginalized communities tell themselves about their engagement with law and law enforcement. Choti Lal's story sheds light on the obstacles that hinder legal attempts to remedy broader social inequalities at the very point at which social lives first encounter legal rule: the police station.

### Choti Lal's Tale

In January 2012, at the edge of Libasha Village, Choti Lal Meghwal's family began construction on a concrete house on the small plot of land they had owned for the past thirty years. They were excited. Replacing their old mud house with a real concrete structure with a balcony would mean greater comfort and signify their socioeconomic advancement. Unfortunately, their joy was short-lived. Mere weeks after work on the house had begun, Choti Lal was called to a meeting of the Rajput Council—a committee of men belonging to a high-ranking, historically powerful, landowning caste—which represented the unofficial village leadership. The council informed Choti Lal that he did not have permission to build a balcony as it would hinder trucks from driving down the small alleyway. However, Choti Lal was skeptical of this justification. He told to me in an interview, "They were afraid we might accidentally drop water, or something, on them and they would get polluted because we are Meghwal. They were practicing *jatibadi* (casteism)."

According to Uday Lal Meghwal, a respected and educated Dalit man from Libasha, the issue was never about the balcony. When he and I discussed Choti Lal's case during my time in Libasha, he exclaimed, "There are other Meghwals who have balconies, and no one said anything. This is about power!" Times were changing, Uday Lal continued. Choti Lal had not asked permission before starting construction, thus the Rajputs felt they were losing their historic status. Hence, they decided to set an example by demanding Choti Lal tear down his balcony. When Choti Lal did not comply, things turned sour. One morning, in March 2012, Choti Lal headed out to a field owned by S. Jhalla, a wealthy Rajput who had employed him as agricultural laborer for the past five years, only to be sent home. Except that he was not precisely sent home. During lunch at his house, he explained, "Jhalla-ji told me and the other Meghwals who work on his fields, that there is a new rule that no Meghwal is allowed to defecate near a field that isn't his own. Understand," he clarified, "this was their way of initiating a social boycott and exiling Meghwals from village life."

At first this conclusion may appear bizarre. Yet, if one considers historical developments in the region, Choti Lal's claim exposes a particular logic. In past centuries the Rajput gentry had been the primary *jagirdars* (landowners) in Rajasthan's Mewar region, where

Libasha is located, often controlling vast stretches of fertile land. Meanwhile, Meghwals, who dwell at the very bottom of the caste hierarchy, owned only very small plots (if any) and worked on Rajput properties as agricultural laborers, an arrangement that survives to this day. Libasha's Meghwals told me that their own fields are far away from the village boundary, while the Rajputs' fields are closer. When Meghwals like Choti Lal work on Rajput land, they are unable to walk the long road to their own fields when nature calls. The new defecation prohibition sent the implicit message that they were no longer welcome to work on Rajput land and symbolically marked the community's *bahar kar dena* (ostracism) from village life. Following this quasi-expulsion Meghwals in Libasha struggled to access many basic services in the village for months. Landowners not only denied them employment but also access to the village food shop and prevented them from using the main village well. Local medical practitioners refused to provide treatment. Meghwals were also banned from the village temple of Ramdev Pir.

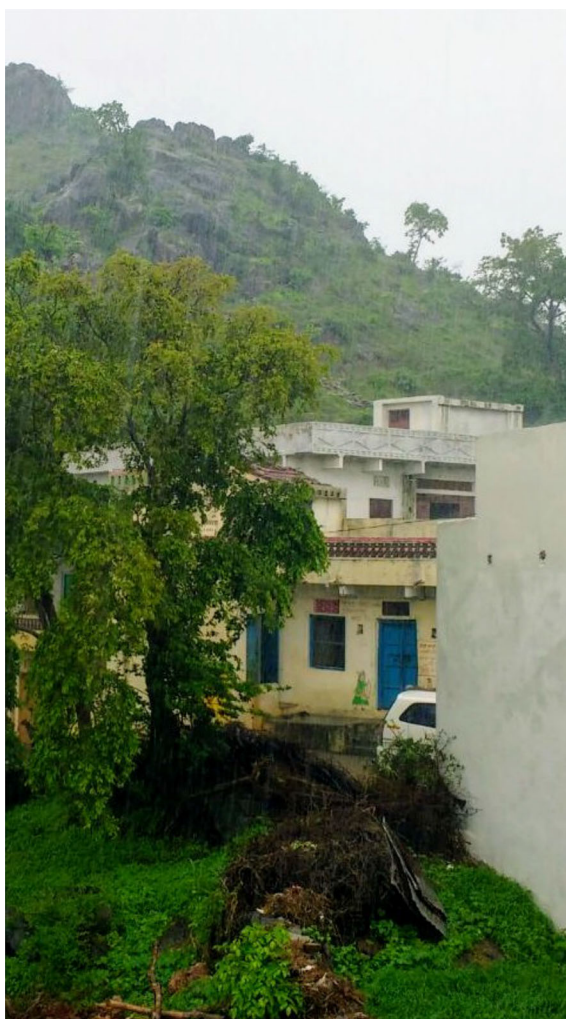


FIGURE 1: The balcony Choti Lal wouldn't tear down. [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

However, by the time I met Choti Lal in 2017, Libasha's Meghwals had been partially and gradually reintegrated into village life. They were once again allowed entry to the village temple and granted access to common resources even though most villagers of other castes still refused to acknowledge and greet them. Choti Lal believes that these concessions are related to his decision to file a complaint under the PoA five years earlier, soon after the social boycott had been initiated. On June 23, 2012, Choti Lal went to the nearby police station where a constable, whom Choti Lal described as diligent and sympathetic, lodged a complaint that accused the thirteen Rajput men on the council of blocking Meghwals access to clean water, humiliating them publicly, and cutting them off from common resources. The offenses were correctly registered in the First Information Report (FIR) under Sections 3(I)(v), 3(I)(x), and 3(1)(xiv) of the PoA, respectively, and the constable agreed with Choti Lal that these actions amounted to a social boycott.<sup>3</sup> The constable dutifully arrived in the village the next day to interview the accused men and witnesses. However, the tide soon turned. Under mysterious circumstances, which were later revealed to be the result of interference by a powerful local Rajput politician, the constable in charge, whom Choti Lal trusted, was transferred to another police station. A second, different, FIR was registered without Choti Lal's knowledge. The second FIR did not cite section 3(1)(xiv), which most accurately summarized the social ostracism of the Meghwal community, as it specifies the action of denying Dalits and Adivasis "passage to a place of public resort" as a criminal offense. Choti Lal remained unaware of this change until much later.

After the second FIR was filed, two police officers appeared in the village, allegedly to conduct a "proper investigation." However, they hardly spoke to Choti Lal or his family but spent most of their stay interviewing members of the Rajput Council. Soon thereafter, Choti Lal went to the police station on that hot July afternoon in 2012 to inquire what happened, only to be told that the second FIR had left out section 3(1)(xiv) and that the police were closing his case. The new investigation report stated that there was no evidence to suggest Rajputs had overtly denied Meghwals access to water or insinuated a social boycott. Consequently, Choti Lal's accusations were "false." Fortunately for Choti Lal, his dilemma had gathered significant attention in the regional media. With the help of local activists, the Libasha's Meghwal community staged a protest in front of the police station in the subdistrict (*tehsil*) headquarters of Gogunda, located approximately fifteen kilometers south of Libasha village. The resulting bad publicity forced the police to reconsider their assessment. On October 12, 2012, Choti Lal's case was forwarded to the district court in Udaipur.

Even though the case and the protests have improved the overall situation of the Meghwal community in Libasha, as of the writing of this article, the case is still pending in the district court and it is unlikely that Choti Lal will ever have a proper hearing. Choti Lal, however, is most exasperated by the way the police treated his testimony. He told me, "The second police report says something like 'The Rajputs never pronounced a social boycott.' Of course, no one will tell you 'I am boycotting you'! But we understand what is meant by certain actions or instructions!" Choti Lal is also pained by his own inability to make himself understood. "These legal things are complicated," he says with a sigh.

The Rajputs would not have stated their intentions, but also the police don't want to understand what it [a social boycott] looks like when you tell them what is happening. They don't add up actions. For something to be declared an atrocity apparently you need the right words. It's convenient. if certain words are not said, you can pretend it's not true.

### **Preliminary Translations: The First Information Report**

Choti Lal's struggle to avail himself of a law ostensibly intended for people like him began at his first visit to the police station. It was here that he learned that mobilization of the PoA "remains predicated on literacy and education" (Aga and Choudhury 2018, 543) in blatantly embodied ways. When a Dalit arrives at the district police station to register a complaint under the PoA, the officer on duty files an FIR that includes the person's statement and personal details. This report lays the foundation for the subsequent police investigation, which has to be concluded within thirty days. When registering an FIR, the police officer is required to complete a feat of abstraction: he or she has to take the particular circumstances described by the complainant and decide how to legally code them, matching up the reported incident with one of the offenses included as "atrocities" in the PoA. Therefore, the officer makes a Dalit complainant's narrative legible to the law through a preliminary act of "categorical" translation (Bachmann-Medick 2013). Following the investigation, the superior officer (who must hold the rank of deputy superintendent of police or higher) has two options: submit a charge sheet to the district court or issue an alternative form called a Final Report. While the submission of a charge sheet implies that the police investigation has, at least partially, substantiated the claims in the FIR and that the issue is deemed serious enough to be subject to court proceedings, a Final Report essentially declares the complaint unworthy of a hearing and marks the conclusion of the matter. Hence, the charge sheet acts as an administrative stamp of legal legitimacy for complainants, while a Final Report implies an invalidation of the account. Stabhir Khora has remarked that the current academic literature does not pay enough attention to this "first line of (in-)justice delivery" (2014, 17).

Based on these insights, one might dismiss Choti Lal's example as a text book instance of police corruption and political power play, a theme strikingly predominant in the academic literature on the PoA and Indian law enforcement (Nawsagaray 2018; Teltumbde 2018). While these analyses successfully highlight problematic fissures in an administrative structure that should ideally ensure equal opportunities based on constitutional values (Ambedkar 1987), many fail to ask what sociocultural undercurrents render corrupt behaviors invisible to the standards of legal procedure, while simultaneously making the "caselessness" of men like Choti Lal seem procedurally legitimate. Choti Lal's case highlights two crucial events. The first is his own conviction that he must master the legal registers that are the central marker of criminal "worthiness" sought by the police. The second is the blatant involvement of the influential Rajput politician. Together, these developments suggest a shrewd yet delicate force at work; that is, the search for "the right words" acts as a mantle that allows the police to cloak corrupt processes or personal (caste) bias as a lack of available evidence by refusing to translate cultural idioms and acts of discrimination enacted in locally and culturally specific ways into the registers of law. This translational refusal obscures processes of police bias, forces complainants to render themselves legally legible or "translatable," and ultimately leads them to internalize their own failure to do so.

### **Translational Gaps**

Choti Lal's appraisal of events indicates a translational barrier between the syntactical-cultural complex of marginalized lifeworlds, in which he as a Dalit person is rooted, and the politico-normative universe enshrined in the linguistic registers of the law. Conley and O'Barr (1998) famously asked why, despite the principle of equal protection, many people feel that the law does not work on their behalf. The authors maintain that to decipher the power dynamics at work, one must look at the particularities of legal language and understand how narrative structure and verbal expression influence case outcomes. While



Conley and O'Barr's study focused on cases that had already entered the clearly demarcated legal space of a court trial, Choti Lal's fate demonstrates that the influence of what he calls the right words can already be felt at the step before "casehood," when a complaint of discrimination officially enters the space of court room litigation.

According to Giorgio Agamben, both linguistic and legal rules possess the power to create and maintain a specific set up of reality (1995, 2010). They are also carriers of "determinate identities" (McLoughlin 2009, 167). While language generates the very world it declares to denote, law creates the same political and criminal categories it names through its own authoritative divisory capacities. Elizabeth Povinelli's study (2002) of Australian multiculturalism and Aboriginal tradition has highlighted how the normative discourses of state law can circumscribe particular identities in such a way that their reality becomes rewritten by it. Povinelli's interlocutors struggle to assert their Aboriginal heritage and traditional landownership in the face of laws, which recognize only evidence-based liberal logics, thereby remaking Aboriginal identity and land-rights in their own image. The categorizing force of the law not only bears productive power but also holds the potential for violence, as it can deny specific realities by reframing or refusing to "name" them (Agamben 1995, 31). Nonetheless, Agamben maintains that as much as the law is linked to the possibility of violence, life outside legal recognition is lost entirely. Being denied entry to legal categories or "casehood" leaves people without authoritative protection.

Unfortunately, attempts to gain entry to the legal arena can be hindered by law's reliance on a language consisting of typified categories of violence (or atrocities). Sally E. Merry (2006) showed that, for communities to make full use of the human rights framework, local demands, expressed through cultural registers, have to be "translated" into the language of human rights and vice versa. In Choti Lal's case, similar observations can be made with regard to the role of the police. As intermediaries between court and complainant, the police are confronted with the crucial and socially complex task of converting the story of a Dalit complainant into the appropriate "atrocities" under the PoA, of interpreting their context, and rendering the distinct sociopolitical lifeworld of the village and the culturally cohesive arena of the law (Geertz 1983) mutually intelligible (Bachmann-Medick 2006). They must "name" and turn the locally specific into the legally general. By isolating specific narrative moments and removing them from their contextual field (Cheng 2017), the police shape and create the abstract legal categories it claims to work within.

Anneliese Riles's work in Japan has revealed that legal "form" can hide the law's own interpretive ambiguity behind a curtain of abstraction (2011, 197). Meanwhile, the local phrase *bahar kar dena* (social boycott) that captured Choti Lal's experience, though substantively ambiguous, also carries profound historical and social associations in the Indian context. As Choti Lal suggested to me, it represents a locally embedded, abstracted sociocultural category that implies particular practices but does not explicitly spell them out. Therefore, it makes a perfect hiding place for bias. While other "atrocities" listed in the PoA refer to specific actions mirrored in Choti Lal's account, a social boycott can only be verified if the police are willing to contextualize and add up the individual elements in a story. Choti Lal's exasperated exclamation that "no one talks like that" in response to the police statement that no party announced a social boycott, underscores this need. While he thought the implications of the events were crystal clear, the police refused to fall in line. The strategic omission of section 3(1)(xiv) in the second FIR, which designates upper-caste efforts to cut Meghwals off from places of public resort, further facilitates the police's refusal to engage in this dialectic between abstraction and specificity. Choti Lal's experience of a social boycott is denied existence as an atrocity under the PoA.



These analyses highlight how legal language, which invisibly shapes how state and non-state actors perceive incidents of violence and which narratives are implicitly considered equipped for admission into the space of litigation, determines on whose behalf the law will work. Having one's case dismissed with a Final Report by the police is an actual disavowal of experience. When narratives of discrimination, like Choti Lal's, are left forever knocking at the door of legal casehood, their reality as moments of injustice is called into question. Here, Choti Lal's tale can offer new insight into the ways such abandonment transpires through the absence of strategic and educationally primed engagement with correct verbal registers as well as bodily performance.

### **Idiomatic Violence: Bodies and Words**

In his historical critique of race and colonialism, Frantz Fanon (1967) explored the inextricable link between body, language, and the fixing of marginalized identities. Fanon proposed that being Black meant inhabiting an eternally visible space in society, a space "overdetermined" by the myth of the "brute, illiterate Negro" (1967, 116–17). He saw that in the eyes of the world the Black body was a total social fact equated with particular physical attributes and intellectual potentialities. In Fanon's Algeria, the immediate social signaling performed by the Black body was heightened by the difference in culturally and educationally determined speech patterns between Blacks and Whites. The former were rarely fluent in standard French, the presumed verbal manifestation of civilized lifestyles. "The Negro," Fanon lamented, "betrays himself in his speech" (24). He exposed how the consequent social overdetermination of Black people as second-class human beings ultimately turned onto itself, convincing Black people of their inherent inferiority vis-à-vis Whites. The parallel between caste-based discrimination and structural racism, whether in the former colonies or within the bounds of modern nation-states, is an imperfect one as Dalitness cannot be determined from skin color the same way blackness can often be. And yet, Choti Lal's case suggests that the historical depth of Dalit marginalization in all areas of social and economic life in India is, nonetheless, reflected by the Dalit body, bodily performance, and speech.

Aside from his position as an illiterate agricultural laborer without political connections or financial capital—the everyday socioeconomic hurdles members of marginalized groups face in legal contexts (Ghai and Cottrell 2009)—it is evident that Choti Lal's verbal register also worked against him. When he went to the police station that day, a step that in itself required real courage, Choti Lal recounted his story to the best of his abilities in the local Mewari dialect, which is how he normally communicates. While Choti Lal understands standard Hindi, he barely speaks it. (In his interview with me he relied on translation assistance from his friend Uday Lal Meghwal, the only Dalit man in Libasha who spoke fluent Hindi, to rephrase in Hindi what I could not follow in Mewari.) The initial police officer who filed his complaint had been sympathetic to Choti Lal's language limitations. The officer had grown up locally, he told Choti Lal, so he was happy for Choti Lal to tell the story in Mewari. However, he also told Choti Lal that his supervisor insisted that police officers conduct interviews in Hindi because relying on dialect would weaken their authority. Choti Lal appreciated the officer's transparency and sensitivity. "He asked me many questions," he told me, "and when I informed him of the defecation ban, he asked where my field was and understood we were being boycotted."

Unfortunately, the police officers who arrived in the village after the original FIR had been discarded were not so understanding. Both of them were Rajputs themselves. "Can't you speak Hindi?" one of them allegedly barked at Choti Lal, who responded that he was sorry but that he was *unpadh* (illiterate) before quickly sending his grandson to fetch Uday

Lal to help translate. He could tell that his admission of illiteracy did not soften the police officers and that they were incredulous, and slightly disgusted, when he told them of the defecation ban. Choti Lal was a man who rarely left the village and largely avoided interactions with agents of the state, so he felt intimidated. Fanon (1967) wrote that the less masterful a Black man's engagement with the French language, the less likely he was perceived to be human. Choti Lal's inability to converse fluently in standard Hindi and his ignorance of both "legalese" and the verbal cues that turn narrative into criminal account betrayed him.

The first and subsequent police officers' actions stand in sharp contrast to each other, as does Choti Lal's demeanor and attitude when with them. These shifted drastically when confronted with the demand to speak Hindi by two officers so impeccably dressed in uniform and confident. If the first constable treated Choti Lal as a legitimate complainant and his complaint as a serious matter, the other officers' treatment reminded Choti Lal of his socially inferior position at the very moment he was taking active steps to claim his legal rights and remedy his structural disadvantage. Their disgust at Choti Lal's mention of the defecation ban invokes historical—and yet still relevant—realities of traditional Dalit labor in manual scavenging and the ideas of pollution and unsanitary lifestyles that are continually associated with Dalits and mark them as secondary citizens (Guru 2011; Saikia and Noklenyanga 2015). The first constable, being happy to translate dialect into Hindi and metaphor into atrocity, implicitly asserted that the PoA was there for people like Choti Lal. Meanwhile, the second set of officers not only refused to engage with local metaphors but also used verbal aggression to shed doubt on the idea that someone like Choti Lal could make a legitimate claim under law against the Rajput Council. In the second instance, it was impossible for Choti Lal to act the part of a "good" complainant or victim.

This impossibility was rooted in a second aspect of Choti Lal's personhood: his body as a whole. His wife told me that when the two police officers visited their home, she had felt embarrassed. "They came in their nice uniforms like they walked out of a movie [set]—and we were in our working clothes. Me in my old Sari. *Sharam ati hai* (It made me feel ashamed)." The shame she felt about her clothing and Choti Lal's frequent use of the phrase "people like us" suggest that both anticipated their physical performance to tell an unacceptable story of poverty, illiteracy, and marginalization.

Recent phenomenological turns in anthropology have further explored how bodily experiences shape the way one perceives of and dwells in the world, and examined the role culturally ingrained bodily routines play in transmitting social messages (Ram and Houston 2015, 11–12). Michael Jackson emphasizes that how someone uses their body encapsulates the underlying values and assumptions of one's society by drawing on Bourdieu's notion of "habitus," which is characterized as a domain of "activity, improvisation and invention that does not as a rule depart from common codes" (1996, 20). One's habitus reveals one's position on the social ladder: using one's body in a particular way signals membership in a specific class or racial group (see, e.g., Wade 2004); or in Choti Lal's context, a certain caste. Choti Lal is a slight man who looks older than his age of fifty. He has the air of someone neither used to nor particularly appreciative of the limelight. The hard physical labor he has performed all his life caused a back injury, and he walks slightly bent over. He usually wears a loose-fitting shirt, whose original white color has faded into gray. Uday Lal Meghwal, who held a highly regarded office job, truly respected Choti Lal. He told me that his friend "is a hard worker, he never drinks, he got his daughter married into a good family. He never invested much in the education of his children, but now realizes that this was a mistake. He lives a small life, but he is a good man." According to Uday Lal, he encouraged Choti Lal to file the FIR because he honestly believed the facts were

indisputable. But there was another aspect Uday Lal did not mention. According to Choti Lal's wife, he filed a complaint because he wanted his children to see that a better future was possible. Still, Uday Lal remained unsurprised by the outcome of Choti Lal's efforts: "Choti Lal was always going to have trouble with the police. He doesn't seem strong," he often told me.

Choti Lal asserted that people like him usually do not get cases filed; this view points to the complicated web of disadvantage that has been woven around his family (and others like it) by an absence of education, a poor man's habitus, and a lack of overall socioeconomic capital. Language, taken as the whole of verbal register and bodily performance, becomes the ultimate signaler of this web. Speech exposes his educational disadvantage vis-à-vis the law, a cultural apparatus itself built on the categorizing power of language. Meanwhile, his body signals to the police his social and political vulnerabilities, revealing that he has long inhabited the lower levels of the socioeconomic hierarchy. The police, as gatekeepers of the law, ignored the dialect and idioms that permeate Choti Lal's unique cultural-linguistic setting, and permitted access only to those capable of producing the "right" words and the "right" body.

As Choti Lal learned the hard way, speech and body together signify relative social power. Agamben (1995, 2010) has shown how language creates the categories it names and, in the process, sets up hierarchies and borders within and between communities and individuals. These divisionary lines not only limit interactions but also heighten feelings of difference and alienation (Mamdani 2003). Therefore, successfully shifting between different linguistic modalities implies the need to cognitively and emotionally grasp and move between different hierarchical lifeworlds. For some, like Choti Lal, a specific style of verbal expression—formal "evidential" speech—is harder to adopt because it requires an unspoken familiarity with an entire milieu. Once more the ability of language to mirror sociopolitical hierarchies (Chomsky 1979; May 2011) is perhaps best illustrated in Bourdieu's idea that linguistic interaction contains within itself a "whole social structure" (1977, 653). Bourdieu proposes that the politically most valued linguistic paradigm usually emerges as the dominant language and vice versa (see Grenfell 2011, 51). It acquires exclusive normative legitimacy. Hence, Choti Lal's agony over the "right words" captures a layered complex of power. His difficulty to "get a case" partially hinges on the fact that his own language betrays his socioeconomic position and relative powerlessness through choice of vocabulary, narrative structure, and embodied presentation. However, as the following section will show, his dilemma also arises from a second, and concurrent, breakdown of translation which emerges from his hesitancy to make his humiliation and marginalization overtly explicit at the police station.

### **Hermeneutics of Silence and Abstraction**

The second police investigation presents a confusing picture. The police summary incoherently moves from the housing issue to narrating broader intercaste disputes over water to discussing the issue of the local temple of Ramdev Pir, a site the Meghwals claim to have been banned from. Sloppy investigations and police reporting are hardly uncommon in Indian law enforcement (Ramesh Nathan, General Secretary National Dalit Movement for Justice, pers. comm.). Some scholars have argued that practices of institutional corruption and bribery are "fundamental to the bureaucratic and political structure" (Gupta 2012, 91–92) of the Indian state and often disproportionately affect the poor. The prevalence and sociohistorical depth of these practices compounds other configurations of structural discrimination, like casteism, by teaching bureaucrats that some people's cases are habitually de-prioritized and need not have any real interpretative effort. According to a local Dalit

journalist from Gogunda, whom I interviewed, most police officers in the area lack “social and political education” and do not question their ingrained assumptions about caste, gender, and status. This issue finds resonance in Jauregui’s ethnographic exploration of police life in Uttar Pradesh. Jauregui (2016) highlights how complex networks of exchange and influence shape the actions of police officials, producing extra-official structures one may deem corrupt. Her work shows that police investigations are shaped by entrenched moral worldviews that direct how and toward whom institutional violence is displayed. She also underlines that low-ranking police officers often face pressure to neglect certain incidents due to internal dependencies and subjections to superiors.

However, Choti Lal’s story also points to a more sinister idea already invoked by Fanon: invisible forms of structural violence can engender feedback loops of humiliation that convince those who suffer from discriminatory behavior that their ill-treatment is caused by their own inability to dwell or act in the world in the “right” way. Though Choti Lal acknowledges that the police’s dismissal of his complaint is caused by both the unwillingness of the officers to contextualize the information he gave them and their inability to resist political pressure from the top, he nonetheless puts the blame on himself. He laments his lack of the appropriate verbal register. His frustrations resonate with Didier Fassin’s study on urban policing in the banlieues of Paris. Fassin explores how police officers reproduce sociopolitical power and vulnerabilities (2013). By engaging in strategic acts of violence, which are obscured from public view through discourses of necessary police force, the police put “certain populations in their place” as Megan O’Neil phrases it (2017, 463). However, the true power of police force, Fassin argues, lies in the element of humiliation, which instills certain groups with a sense of inadequacy.

It is at this analytic juncture that one can truly understand the complex breakdown of Choti Lal’s quest for a case. The police’s refusal to translate his story, which is couched in local idioms, meets Choti Lal’s own hesitancy to make his vulnerability and victimhood explicitly legible out of fear of further local humiliation. Though Choti Lal’s experience maps onto Fassin’s analysis in many respects, the lack of the right words that Choti Lal so often references also partially represents a moment of choice. During my time in Libasha, many Meghwals shared stories of personal struggle through metaphorical expression rather than detailed description. Obtaining a simple, or purely “factual,” account of village conflict was nearly impossible. Instead, particulars of events, emotions, causes, and social effects were woven together into impactful stories seemingly meant to evoke empathy in the listener as much as to convey processes. In particular, Meghwal men and women who were victims of caste-based discrimination avoided providing specifics of these violent actions. The most painful and humiliating details were either shared on behalf of the affected party by close kin or elicited through repeated, sensitive questioning in privacy. In relation to Choti Lal’s dilemma, a Meghwal man in the village pronounced during an informal chat in Uday Lal’s house: “He told the police what happened to him, but it is hard to speak these things word by word. It’s humiliating and he has already been so humiliated here.”

After reflecting on Choti Lal’s assessment of the events, one understands that rather than simply lacking knowledge, he may have had culturally complex reasons for not learning to use the elusive so-called right words. As Veena Das has shown, “even the process of naming violence presents a challenge” (2003, 293). This challenge is likely heightened for those who not only face a long history of collective marginalization but also endure more recent individual painful attacks on their livelihood that traumatize them and shake their sense of self-worth. Fear of further humiliation made some of the most gruesome details of Choti Lal’s experience unspeakable. Dalit authors have long marked moments of

humiliation as an essential aspect of the Dalit experience. Gopal Guru maintains that the language of rights that has provided Dalits with the tools to overcome historical circumstances marked by fear and a sense of resignation has simultaneously created “the conditions for the production of humiliation” (2009, 5). Political and legal systems that rely on public articulations of traumatic incidents ultimately add new dimensions of shame to these already hurtful experiences. If in earlier times untouchability was generally a familiar—yet local—burden for Dalits, human rights or state legal remedies now require them to share the ill-treatment they suffer with the wider world.

Choti Lal’s reluctance to draw out details of his predicament in explicit terms reflects a heightened sense of shame. While this may seem ironic—how can one expect to fight a successful legal case without divulging all the details of the offence in question—his actions betray an intelligent social sensitivity. Attempting to strike a balance between an accurate description of what occurred and preservation of his sense of dignity vis-à-vis the police and his social reputation among non-Meghwals in the village, Choti Lal revealed to the police as much as he deemed absolutely essential. He held back those particulars he thought damaging to his own sense of honor. “They [Rajputs] called me Chamar (a derogatory casteist expression),<sup>4</sup> which is not allowed anymore,” he confided to me, “but I didn’t recount every insult the Rajputs directed at me to the police. It’s shameful to be so weak!” Choti Lal sacrificed as much of his personal status to the police as he thought he could afford by walking the fine line between expression and protection and between mobilizing the law and shielding himself from broadcasting his own social vulnerability. When he says that he lacks the right words, he is alluding to his unfamiliarity with legal registers, which is rooted in his agenda for social survival. “I don’t have the right words,” Choti Lal tells me during our conversation, capturing the insight that he neither knows how to present his experience of discrimination in terms of abstracted “atrocities” nor how he can afford to sacrifice his honor at the altar of law and police.

Notably, the Rajput Council’s strategy to avoid the unambiguous verbalization of its discriminatory intent was also to use circuitous forms of expression. By making the odd announcement that no one was allowed to defecate anywhere but in their own fields, they used culturally embedded hermeneutic signaling to relay a powerful social message while maintaining a safe distance from overt, verbal, and—thereby—legible expressions of casteism. The Rajputs’ power lies in their ability to communicate caste hierarchies without spelling them out. Meghwals understand the meaning behind the defecation prohibitions due to shared political and social histories.

Choti Lal’s claim that Rajputs initiated a social boycott was an already abstracted account of events. He had interpreted one instruction—the defecation ban—within a broader social reality of structural exclusion and a particular history of intercaste relations. Choti Lal’s problem of filing a case arose because police translations bow to invisible hierarchies. The second set of police were either unaware of the local translation of this ban within the community or were unwilling or unable to capture the social meaning of particular idioms and translate them into offenses that can claim “legal” aesthetics. This translational inability or refusal obscures the blatant manner in which the strings pulled by the local Rajput politician shaped police engagement and reveals that the police were (and are) embedded in complex “geograph[ies] of exchange” (Jauregui 2016, 45) that determine whose stories are translated well. Choti Lal’s complaint was declared as lacking in evidence, a verdict facilitated by the fact that it was not delivered with embodied authority. Yet, the notion and definition of the “right words” is a normative judgment produced by the very political universe Choti Lal is excluded from because of both the class- and caste-based disadvantages that mark his existence.

### **Conclusion: An Atrocious Legislation?**

Dalit activist organizations have noted repeated issues in the case trajectories of people like Choti Lal: corruption among law enforcement officials and in the courts. Many argue that this has created procedural legal paralysis in relation to the PoA (Mangubhai and Singh 2014). Conversely, the Indian Supreme Court recently ruled on the supposed misuse of the law, claiming that it has become a tool for blackmail against upper-caste groups by Dalits and Adivasis who file “false” cases (Fuchs 2018). Nonetheless, critics on both sides have neglected to seriously examine the nature of these proclaimed failures and to ask essential questions about the local character of “corrupt” processes, the conditions that enable them, and the personal and institutional costs of translation processes necessary to render the worlds of atrocity survivors and those of the law mutually intelligible.

Choti Lal’s inability to successfully launch a case shows that cases declared false cannot all be reduced to wrongful accusations. Rather, they can be the result of complex legal interactions that rely on translational opportunities to purposefully obscure broader corrupt processes and personal biases. I propose, then, that we must pay attention to moments of cultural translation that occur within the law to acknowledge the subtle, unseen channels through which structural violence and political power operate in society and which reduce marginalized communities to institutional illegibility.

Conversely, laying emphasis on outright political pressure or brute police corruption offers only partial insight into the reasons why cases like Choti Lal’s are typically dismissed. Such explanations cannot elucidate how embodied markers of social marginality and cultural concerns of humiliation might obscure the interpretative and translational power of law enforcement, while leaving intact ideas of cogent legal categories and rationally enacted legal procedure. The twofold translational breakdown that results in the dismissal of Choti Lal’s complaint—produced by particular standards of legal aesthetics, police refusal to interpret local idioms, and his own concerns about honor—shows that the implementation of the 1989 Scheduled Castes/Scheduled Tribes Prevention of Atrocities Act relies heavily on the translational goodwill of law enforcement.

Choti Lal’s story, ultimately, raises broader concerns about the ability of law to address long-standing processes of structural discrimination and inequality. Scholars of hate crime legislation in the United States and Canada have argued that the same institutional actors in charge of implementing such laws are often complicit in their failure to adequately address structural violence (Swiffen 2018). They have proposed that police in particular often respond to reports of discriminatory crimes in line with the biases that circulate in their own departments (Wolff and Cokely 2007). While the precise relationship between hate crime law (specifically) and antidiscrimination legislation (more broadly) requires more nuanced analysis, these findings certainly reflect Choti Lal’s experience. His narrative was easily dismissed by the second set of police officers and the experience of filing a case reinforced the image of himself as a humiliated and inadequate category of person. Hence, one must carefully evaluate how, for whom, and under what conditions antidiscrimination legislation can be a route to empowerment and when it threatens to alienate already marginalized communities even further.

### **Notes**

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1. All statements made by the interlocutors in this article have been translated from Hindi or Merwari by the author, with the occasional help of local translators. All names are pseudonyms.
2. The term Meghwal refers to a *jati* (sub-caste/community) of Dalits or Scheduled Castes, mainly found in northwest India in the states of Rajasthan, Maharashtra, Gujarat and Madhya Pradesh. Pockets of Meghwals can also be found in Pakistan and areas of Punjab. While today Meghwals in Rajasthan are largely engaged in agricultural labor, my Meghwal interlocutors variously described their historical occupation as shoe-making or weaving. These differences may be due to the fact that in Rajasthan the Meghwal community has heterogeneous origins. According to the Centre for Dalit Rights in Jaipur, many Dalits who historically belonged to other *jatis*, such as Chamar, Balai or Bunkar, “have started calling themselves Meghwals” (Center for Dalit Rights 2008, viii).
3. These sections pertain to the original PoA before its amendment in 2016. In the amended version, the sections are organized differently and “social boycott” is listed as a separate atrocity. This was absent from the original act that affected Choti Lal.
4. The term Chamar refers to a widespread community of “untouchables” in Northern India who were traditionally stereotyped as impure or polluted by high caste groups due to their occupation as leatherworkers (tanners). Chamar is often used as a derogatory way of addressing members of the Dalit castes.

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